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MEMPHIS APPEAL

TUESDAY MORNING, JAN. 23, 1877.

THEATRICAL CREMATION. EDITORS APPEAL—Your Sunday's paper contains an article headed "To Prevent Panica," and alludes to the action of the police and fire commissioners with regard to the survey made of the Memphis Theater by Mr. E. C. Jones, at their request. The commissioners did show "a disposition" o protect the theater-goers as far as lay in their tower; that is, they indersed the recommendation of Mr. Jones, and requested the city council to pass an ordinance to have the recommendation carried out, relinance to have the recommendation carried out, out when it was brought before that body the com-nissioners were told they had no authority in the matter. Of that fact they were well aware, for if the have been completed without submitting it to the council at all. Therefore, if the commissioners had no authority, then why send back to them for action? Was it to kill time! As to the payment of Mr. Jones, it was understood between him and the commissioners that he would not present a bill to the city for the survey made; still the "laborer is worthy of his hire," and had the commissioners been authorized to have this work carried out, they would certainly have needed Mr. Jones's superintendence. Moreover, on the day after said recommendation was rejected by the city council, Mr. Jones told some of the opposing members that he expected nothing for what he had done, but has the city of Memphis never spent one or two hundred dollars to a worse purpose than in paying Mr. Jones for having such necessary alterations made? Now this matter has been and will still be postponed until the season is past, and we live so fast that the wholesale cremation attendant the freokim thester will be outle for rotten be-Mr. Editor, will stir up the city council or

IN ADVOCATE FOR SAFETY OF LIFE, ETC. An "Advocate" is right. The commission ers did show a commendable zeal, and did try to force the proprietors of the Theater to put it in such a condition as to prevent the cremation of an audience, or any part of it.

But since the council referred Architect
Jones's report back to them, the gentlemen
charged with the management of our police
and fire departments have not done anything
in the premises. It is of this that the APPEAL
in the premises. It is of this that the APPEAL
in the premises of the State of Tennessee and Samof Sunday complained. If the commissioners the name of the State of Tennessee and Samwil', cturn the report of Mr. Jones to the uel Watson, trustee, against the bank and all council, with an indorsement certifying whether that gentleman is to be paid or not, and praying for the injunction against suits the APPEAL will then see to it that prompt in such order as to save Memphis from such an occurrence as the "Brooklyn horror." It is an all-important matter—one worthy something more than the battledoor and shuttlecock game the late council seemed desirous of making of it. It is a question of "life and death," the responsibility for which no sensible man would care to carry for a moment. Let the police commissioners act again, and place the responsibility for delay again, and place the responsibility for delay where it of right belongs.

DOWN WITH CHEAP-JOHN POLICE

h and commerce, owes more in proon than does the city of Memphis,
oresent rulnous charter places our city almost
ely at the mercy of the murderers, thieves and
waymen that infest the city in such large numwhile those of us who live in the suburbs have no

and the pursuit of happiness." That the municipality of Memphis thus insures its citizens by the strength and might of forty po-Of the two propositions we prefer the first. With a sufficiently strong police force we can not only rid ourselves of thieves and murderers, but enforce the wholesome law which prevents men going about like walking arounds.

A control of the two propositions we prefer the first. With a sufficiently strong police force we can not only rid ourselves of thieves and murderers, but enforce the wholesome law which prevents men going about like walking arounds.

A control of the two propositions we prefer the first. They insisted, however, that even if they were, still, as holders without notice, they could not be prejudiced by the fact. They united with Cockrill and M'Kinney in attacking the act of February 16, 1866, and the assignment pursuant thereselves of the stockholders and creditors, on the stockholders and creditors, on the proposition of the corporation, and are authorized to settle the proposition of the corporation, and are authorized to settle the proposition of the corporation of

THE St. Louis merchants' exchange yesterday adopted the following indorsement, without a dissenting voice, of the proposed bill for

the counting of the electoral vote: Whereas, The merchants' exchange of St. Louis, a organization for strictly commercial purposes, mbracing a membership of nearly two thousand, ngaged in nearly all the commercial and financial sursuits of this trade center, have viewed with solictude and alarm the recent political compilications of the country, and feit their disastrous effects on her commerce, and that of our city; and Wheneas, We rejoice at the results of the deliblikely, we rejoice in the results of the delib-lons of the joint committee of the senate and se of representatives, and believe the plan re-sed by them to be the best available one for the filon of our Presidential complications; therefore, codest. That we approve of the provisions of the reported to congress by said joint committee, urge upon our senators and members of the

con on the new bill providing for the counting

Final Decision of the Great Case Before the Supreme Court of the State-The Note-Holders Win the

History of the Bank, from its Author

ization and Formation, in 1838, to

the Close of the Great Civil

War, in 1865,

What Became of the School and Other Funds in its Possession-Its Several Issues and the Claims of

those Holding the Latter.

From the Nashville American we learn that, on Saturday morning last, the supreme court rendered its long-expected decision in the great Bank of Tennessee case. As this disposes of the last important contest in the case, a brief resume of the history of the natters involved may not be unseasonable. The Bank of Tennessee was incorporated in 1838, the charter to expire January 1, 1868. 'ts capital was to be \$5,000,000, and was to onsist of the school fund, the proceeds of he Ocoee lands, the surplus revenue turne-over by the United States, and an additional amount to be supplied by the State, sufficient mount to be supplied by the State, sufficient to make up the above sum. The faith of the State was pledged for the support of the bank, and to supply any deficiency in the tunds specifically pledged, and "to give indemnity for all losses arising from such deficiency." The capital stock, however, never was more than \$3,600,000. The bank continued to do business until the war. Upon

finced to do business until the war. Upon the approach of the Federal army, in 1862, the assets were removed south; and in 1865 hey were captured at Augusta, Georgia, by Sherman's forces, and delivered to the reconstructed State authorities at Nashville. Thereupon the legislature directed the sale of the coin on hand, and the investment of the proceeds in the United States or State bonds. Accordingly, the coin was sold to Jay Cook & Co. for \$618,250 in United States 7-30 bonds, which were ordered to be delivered to the State treasurer. The reasurer afterward deposited these bonds in the Tennessee national bank, at Memphis, of which the formerly notorious General R. Rutter was president. Rutter sold the bonds in New fork, and speculated with the proceeds, and inally his bank blew up. The situation of the fund transpiring, the legislature disatched a special committee to Memphis, who made the best settlement then practicable with Rutter, receiving from him effects nominally amounting to \$698,821 13. This included \$50,000 in United States 7-30 bonds and some \$295,000 in State bonds and converge to the term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States seven-thirty bonds (or the five-twenty bonds and some \$295,000 in State bonds and converge to the term, and a reargument was ordered at the last term, and a reargument was ordered at the present term. Two other branches of the case were argued at the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States seven-thirty bonds (or the five-twenty bonds and some \$295,000 in State bonds and converge to the seven the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States seven-thirty bonds (or the five-twenty bonds and some \$295,000 in State bonds and converge to the seven the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States seven-thirty bonds (or the five-twenty bonds into which they were funded, with the accuracy of the seven the last term. Two other branches of the case were argued at the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States seven-thirty bonds (or the five-twenty bonds and some \$400,000 in State bonds and converge to the seven the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States are the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States are the last term. In one, Watson, as receiver, sought to get possession of the \$50,000 United States are the last term. York, and speculated with the proceeds, and pons, which were committed to the temporary

custody of the comptroller, and have lain in his office or in the treasurer's safe ever since. On February 16, 1866, the legislature ordered the president and directors of the Bank of Tennessee to execute an assignment for the benefit, first, of the school fund; and, seconds of all the mediting of the school fund; only, of all the creditors of the bank whose claims arose before May 6, 1861, the date of the so-called declaration of independence of the State. The claims that arose after May 6, 1861, were to be excluded, as absolutely

the decrees of the court. The bill stated that Watson had not been able to qualify as trustacked the act of February 16, 1866, and the assignment thereunder, upon the ground that the assets of the bank, including the school fund as a portion of them, were, under the charter, a trust fund for the benefit of creditors, and that it was not incompetent for the ors, and that it was not incompetent for the legislature to invalidate the debts of the bank

legislature to invalidate the debts of the bank created after May 6, 1861, or to deprive these faction out of the assets of the bank. The M'Kinney bill sought, but of course ineffectually, to compel the State to live up to the obligation assumed by it in the bank charter—to keep the capital stock of the bank up to five million dollars. The preference of the school fund, which, if sustained, would swallow all the assets of the bank, and then not school fund, which, if sustained, would swallow all the assets of the bank, and then not be half satisfied, was passed upon by Chancellor Otis, one of Brownlow's carpetbag appointees, who sustained the action of Brownlow's legislature, whereupon an appeal was taken to the supreme court. Later in the day T. A. Atchison and W. M. Duncan became parties to the cause, setting up claim's as owners of what is known as the new issue or parties to the cause, setting up claims as owners of what is known as the new issue, or Torbett issue, the bills issued after May 6, 1861, during the presidency of Colonel Granville C. Torbett. These issues had been the special object of the hostility of the reconstructed State government. They had, by section 6, schedule to the constitutional amendments of 1865, been branded, in connection with State bonds issued and debts created, in the name of the State, after May 6, 1861, as "unconstitutional, null and void." They were supposed to have been merely rebel State obligations created in aid of the rebel-

State obligations created in aid of the rebel-lion, analogous to Confederate money. Until without delay; aboltsh the Cheap-John principle; suppress crime; chase the ropers and thieves out of the city; enforce the law to the letter, regardless of cost, and insure protection to all law-abiding citizens.

A VICTIM OF THE CHEAP-JOHN CHARTER.

Our correspondent writes as if he understood his subject and believed that governments—municipal among them—were instituted to insure the governed in "life, liberty and the purpoit of happiness". That the law anachronism of the signatures as colportion of it consisted of notes, years previously filled up ready for issue, but not signed, which, in 1861, were signed and issued without altering the antedating. The only thing to distinguish these bills from the old issue was the anachronism of the signatures as collated with the antedates, and by persons uninformed as to the personnel of the bank government they were, of course, undistinguishizens by the strength and night of forty policemen is a proposition the absurdity of
which is apparent upon its face. "A Victim"
is right. The police force must be increased,
or as we before said, the law against carrying
concealed weapons must be repealed, so that
every decent citizen can police for himself.

Of the two propositions we prefer the first.

banks. The amount of new issues outstand-ing is probably between eight hundred thou-sand and one million dollars. In 1873 the case was heard in the chancery court before Chancellor Fleming, who, in a very elaborate and exhaustive opinion, sustained the claim of Atchison and Duncan, and an appeal was taken from his decision to the supreme court. In the supreme court, the new-issue holders and the depositors united their forces against the preference of the school fund, which would have left nothing for either of them; but the depositors sought, of course, to over-

would nave left nothing for either of them to be the plan reported by them to be the plan reported to congress by said joint committee.

The Lonoke (Ark.) Democrat of the eightness they could subsequently get rid also of the priority of the new issue, since it would do them no pool to get rid of the school fund preference and the priority of the new issue, since it would do them no pool to get rid of the school fund preference and the priority of the new issue, since the half of the creative of the bank fleets, since both the United States securities are unquestionally part of the assets of the bank. The Knowille and the scanty remains the following:

The Lonoke (Ark.) Democrat of the eightness they could an election to the new issue, since the new issue, since the new issue, since the new issue, since the new issue, s

cers, as essentially State officers, among the

NEW ISSUE, BANK TENNESSEE

contracts made during this period were not entitled to the benefit of its guaranty against entitled to the benefit of its guaranty against subsequent legislation impairing their obligation. The supreme court decided that the school firmly we make the court of the capital school fund was merely a part of the capital stock of the bank, liable, equally with the residue, for the obligations of the bank, and,

of course, incapable of being erected into a preferred creditor. Also, that the assignment of 1866 was void so far as it undertook to exclude debts incurred subsequently to May 6, 1861, from their equal right, with other debts, to satisfaction out of the assets of the bank o satisfaction out of the assets of the bank. That the bank had the same right after as beore the rebellion to do a legitimate banking business, and therein to receive deposits and to issue bills; and that the bills of Atchison and Duncan were as valid and as well en-titled to priority of payment out of the assets of the bank as the bills issued before 1861. The case was remanded to the chancery ourt, to be proceeded in conformably to the ulings. Thereupon Thomas S. Marr and a number of other new-issue holders filed their petition, asking to be admitted as parties to the case. But they were opposed by the depositors upon three grounds;
1. That their bills were barred by the stat-

ute of limitations of six years.

2. That although the exclusion of the claim arising after May 5, 1861, by the assignment, was void, yet that Watson having held the effects of the bank, claiming as trust e under the assignment, and therefore adversely to hose claiming against the assignment; thre ears of such possession as to to the personalty, and seven years as to the realty, had ested the title in him as trustee, according to the trusts of the assignment, and consequently to the exclusion of all whom the assignment sought to exclude, except those who had appeared in the case within the proper time, as the depositors had done.

3. That the charter of the bank expired by ts own limitation January I, 1868, and the five years of additional corporate life expired January 1, 1873, and therefore, according to the old common law rule, all debts against the bank perished, including the new issue. The five-year statute seemed to be conceived of as a kind of statute of limitation, so that those who appeared in the case within this period might not be affected by the old comnon law rule invoked to wipe out the claims not filed within time. The case was very elaborately argued in the chancery court, be-fore Chancellor Marks, in the summer of 875, who decided in favor of the new-issue holders, and the depositors appealed to the upreme court. At the January term, 1876, case was still more elaborately argued before the supreme court. C. J. Deaderick and Judge Freeman being incompetent, the gov-ernor appointed Judge Lee, of West Tennes-see, and Judge Mayfield, of East Tennessee, of this article as part of the assets of the bank deposited temporarily with the comptroller, upon their recovery from Rutter, at Memphis. Special-Chancellor A. G. Merritt had dis missed Watson's bill, on the ground that it was virtually a suit against the State, from which Watson appealed. In the other branch a party some years ago attached certain effects of the bank at Knoxville, upon the

ground that the bank had removed its effects from the State. In the main controversy of the case—that between the depositors and the new-issue holders—Judges Lee, M'Farland and Tur-ney were in favor of the new-issue holders,

lowing: 1. As to the statute of limitations of six its creditors, reciting the act of the legisture and the assignment pursuant thereto, chanics Bank vs. White, 2 Sneed, it had been against bank-notes until demand and refusal at the counter of the bank, and that the susfrom the operation of statutes of limitations.

2. That Watson's possession of the fund had not operated as contended by the depositors; that the assignment had conveyed the assets to him charged with the trusts imposed by law, which trusts the act of February 16, 1566 er dithe necessers the measured parts were a trust fund for the benefit, primarily, of creditors; that the act and the assignmen were void, so far as they sought to vary thes the fund, not as a trustee under the assignment, but as receiver; that his possession was that of the court, for the benefit of the parties to be ultimately declared entitled to par-

ticipate in the distribution, and therefore adbank had not operated to extinguish the new issue. That the old common law rule rested as a slender foundation of adjudged cases even as to the old common law corporations, and probably never was applicable to the modern moneyed corporations, which differed from the old common law corporations-the boroughs, the monasteries, the universities,

in the possession of a capital stock subscribed as a trust fund for the corporate purposes. That the assets of a moneyed corporation were a trust fund for the benefit, pri-marily, of its creditors. That upon the disso-lution of the corporation, the creditors had ration were a trust fund for the benefit, primarily, of its creditors. That upon the dissolution of the corporation, the creditors had the right to resort to equity, to compel the application of its assets to the satisfaction of the bill. Mr. Tarl ox, Democrat from Lowell, the right to resort to equity, to compel the application of its assets to the satisfaction of their claims. That the statutory continuation of the corporate life for five years, was in the nature of an additional remedy to the corporations and to its creditors, and that, at the expiration of the five years, simply this additional remedy was gone, and creditors istence of the corporation was not essential to enable the creditors to reach the trust fund in equity. That section 1494 of the code was, without more, a revocation of the old common law rule: "Upon the dissolution of any such corporation, the managers of the business of such corporation at the time of its unless other persons are appointed by the general assembly or by a court of competent jurisdiction, and are authorized to settle the to; but they claimed priority over them under the general banking law of 1866, giving a preference to the bili holders of insolvent. That if the effects were in the hands of a

trustee, under a general assignment, they would stand in the same plight, unless their status were changed by different trusts lawfully declared.

The result of the decision is to give the effects of the bank to the new-issue holders. Judge Mayfield then delivered the opinion of the court in the branch involving the \$50,000 in United States securities. The court af-firmed the decision of Special-Chancellor Merritt. But it is confidently expected that the legislature will direct both this fund and

published a word about the people of Arkansas save in kindness.

The lower house of the Ohio legislature yesterday refused to give expression pro or on the new bill providing for the counting suicide by shooting. It is supposed that anxiety on account of the late accident at Ashtabula had made him deranged. His family

con on the new bill providing for the counting of the electoral vote. Resolutions indorsing and opposing it were laid on the table.

State was to maintain that her reconstructed government had omnipotent power over all transactions of every character within her lim are very busy trying to prove the Mexican citizenship of Senator Isham G. Harris. They cannot accept the logic of events.

Cers, as essentially State officers, among the test; but the most strenuous effort of the State was to maintain that her reconstructed government had omnipotent power over all transactions of every character within her lim its during the rebelhon, not only those of the State, but those also of corporations and individuals. The idea involved seemed to be that the time of the suicide.

Bellieve it or not, ask your neighbor and you will be convinced, that this new principle, new way, Dr. J. H. M'Lean's code and convinced that the time of the suicide.

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The Leading Members of the House and Senate Interviewed in Regard to the Report and Bill of the Joint Committee.

Expressions of Opinion For and Against Both Without Regard to Political Allegiance and Sectional Bias The Majority for their Adoption.

Constitutional Objections Morton and His Crew in and out of Congress Opposed to the Committee's Plan "Tooth and Toe-Nail"

-But it will Carry.

lew York Herald. WASHINGTON, January 18.—The following ults of interviews with leading government officials and congressmen will show the feel-

Senator Kernan, [New York,] says that if we are to have arbitration, he does not know of any better way of settling the controversy than by the provisions of the bil. It will at least have the effect of allaying excitement in the country by showing that there is a will-ingness to consider the difficulty and to set ingness to consider the difficulty and to set aside party spirit. We must look to the interests of the whole country and be guided by the teachings of patriotism.

Secretary Morrill says that he would not mix politics up with the court. He would prefer to submit the electoral votes to the country lone, and there is prescent to be the measure. Mr. Landers said the only recount lone, and there is prescent to be the measure. Mr. Landers said the only recount alone, and there is precedent in law for this—at least it is provided for within the States by some of their constitutions.

Postmaster-General Tyner, who is Mr. Morton's follower, was asked to-night what he thought of the electoral bill, and he re-"I think nothing of it. It is unwarranted by the constitution, which points out the way the vote shall be counted, and the constitution cannot be nullified by any con-gressional committee or by congress itself." On its being suggested that there were many able lawyers on the committee, Mr. Tyner, who himself is a lawyer, answered: "I can't that the proposed measure is in violation of the constitution. Any person of common the constitution. Any person of common the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the proposed measure is in violation of the President upon the "flip of a common the president upon the pres sense can see it. Do you suppose for a mo-ment that if the Democrats honestly believe they have one hundred and eighty-live votes they would favor such measure? Not at all. You would not find one Democrat in either house who would favor it. If Speaker Ran-dall were to-day president of the senate he would repudiate such a measure and insist

Senator Morton, who from the first has been inwaveringly opposed to the bill, when the juestion was asked of him what he thought of the work of the committee, now that it was known and his lips were unsealed, said: among the non-committals, although they are "I did not have anything to do with it from counted as solid with the Missouri Demothe start. I am, and have been, opposed to it, and I refused to sign the report as I did not agree with the bill." It is understood that he will take ground immediately against

prepare a speech against it. The position taken by Senator Morton is understood to be that it has been honestly demonstrated that Lynde, a Democratic member of the judiciary Governor Hayes has one hundred and eighty-five votes, which elect him, and anything which looks like a compromise, or the consid-result, while Mr. Rusk, a Republican, was eration of a method to leave the result uncertain now through arbitration, is a surrender of the Republican position at once. He counts upon a considerable following in the senate, among whom those chiefly named are Patterson, of South Carolina; West, of Louisiana, and Cameron, of Pennsylvania.

Mr. Kasson [Iowa] regards the bill as creating a tribunal which is to be a substitute for the one established by the constitution. He says the plain intention of those who made the constitution was to have the president of the senate count the electoral vote, and he ites the fact that for a long series of Presidential terms every certificate of the election of a President given by the Vice-President declared that the latter had counted the vote. The bill, however, should be carefully and patriotically considered. If it were agreed to, it would be through a spirit of honorable impromise, so as to relieve the country from

tion of business.

General Garfield said he had not yet made up his mind as to what course he should adopt in regard to the bill; that if he were to conin regard to the bill; that if he were to consider it merely from a partisan standpoint, the Republican party would be waiving a certain right for the uncertain chances of what this bill will accomplish; but if the bill will render certain and plain the methods of determining a Presidential contest for the future, and do it constitutionally, it will be too great a good to lose the chance of attaining for any party advantage. General Garfield proposes to give the bill a careful examination, and if he thinks it wise as a permanent

aw he will think it deserving of support. I it is only a makeshift to escape present trouble, and especially if he finds it unconstitutional, he will not support it.

The Maine delegation, all Republicans, do not favor the bill, while Hale and Frye are

openly opposed to it.
Professor Seelye, of Massachusetts, will help to settle public opinion, and in this Messrs. Cox, Meade, Willis, Field and others concur. Judge Lapham, of Canandaigua, a Republican, regards the bill as an abortion. The associate-justices, he believes, would not serve, and they could not be impeached fo refusing. It is entirely wrong to attempt to impose any such duty on them as the bill contemplates. Mr. Whitehouse, of Pough-

Among the Pennsylvania delegates Speaker Randall raised the point in caucus that the bill ought to explictly provide that the testimony already taken by the house commit-tees should be accepted as final by the com-mission, else there would be no end to the labor of accumulating facts concerning the elections. Mr. Hopkins, of Pittsburg, expressed the views of many of the Democratic members from Pennsylvania when he said that it was c wardly to propose to shift the responsibility on judicial officers of the gov-ernment. Mr. Clymer said he would have to

gate the power proposed before expressing an opinion. Mr. Mackey believed that Tilden was honestly elected, and is opposed to any measure suggestive of compromise.

The Maryland delegation, all Democrats, had not formed an opinion. Mr. Swann was surprised to find so much opposition to it. States rights seemed to influence a good many in their views. He could not say now whether

study whether congress had the right to dele

Among the Georgia members the disposi-tion was to consult with their southern friends Among the Georgia members the disposition was to consult with their southern friends before giving a positive adherence to the bill.

In the Alabama delegation Mr. Forney seemed to express the views of his colleagues when he said two questions presented themselves in considering the report of the committee—first, was it right? and, secondly, would Tilden win? These appeared to be the only points for the southern members to decide. Mr. Lewis, of this delegation, took a more liberal view, and thought the southern

had no opinion to give. In the Texas delegation Mr. Culberson wanted his associates to wait until the opin ions of the press had been carefully read by them. Mr. Hancock admitted that the bil was ingemous and displayed much ability.

Beyond that he had no opinion to give. Mr.

Throckmorton and Mr. Schleicher were patient waiters, while Mr. Mills regretted that
the Democratic members of the house comthe Democratic members of the house com-mittee had not displayed more backbone in leman ting greater concessions. In the Tennessee delegation Mr. Bright

has already prepared a speech opposing the bill. He regards it as clearly unconstitution-al. Other members of the delegation were not as positive as Mr. Bright. In the Kentucky delegation Proctor Knott said, with some warmth, that he might be called high-headed or hard headed, but he was never accused of shirking a duty, and, as far as advised, was "unconditionally against the bill." Mr. Watterson will support the bill. and this was Mr. Clark's intention heard it explained in caucus, when he became somewhat confused in his ideas of the power of the house to make the associate-justices of the supreme court members of the commis-The members of the delegations were

generally inclined to be conservative in their The Democratic members from Ohio, with the exception of Mr. Payne, were not dis posed to favor the measure. Mr. Hurd did not regard the selection of the supreme cour judges as at all objectionable, but could not speak favorably of other provisions of the bill. The opinion among the Democratic bill. The opinion among the Democratic members of this delegation seemed to be that

deeming thing about it was that it was op-posed by Senator Morton. Mr. Haymond thought the bill had been conceived in a good spirit, which good spirit would have to work upon him before he could vote for it. Mr. Hamilton couldn't see any good in it, while the Republican members regarded it as a "fearfully wonderful proposition, and in-spired by the devil."

In the Illinois delegation the Democrate from Chicago will support the bill. As Mr Harrison expressed it: "Anything that Springer and Hoar can agree to, ought to be supported unanimously." Mr. Sparks, from the sixteenth district summed up his opinion by saying that the bill placed the selection of President upon the "flip of a copper." said that only favorable comments had been made in his hearing; but these, he thought, might have been influenced by a regard for his feelings." The Republican members from Illinois did not appear as enthusiastic supporters of the bill. General Hurlburt called would repudiate such a measure and insist it "a prize package," a surrender on bott on his right, under the constitution, to count sides, and creditable to neither. Mr. Burchthe vote. The Democrats know that Hayes is elected, but give their support to this bill because they see a chance of counting in Tilden."

The Missouri delegation, thirteen Den crats, it is understood, will vote for the bill, that being the intention after the caucus to-day. The four Democrats from Arkansas are

the bill in the senate. He has been in consultation to-night with Scretary Morrill and Ex-Secretary Carpenter, and will immediately bill will be supported by his colleagues on its passage.

The Wisconsin delegation is divided. Mr.

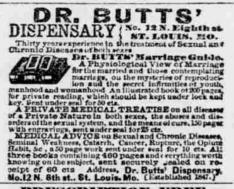
Other members of the delegation spoke favorably of the measure. The other delegations were awaiting a care

Judge Black and Montgomery Blair were on the floor of the house when the bill was read and promptly gave the opinion that it was unconstitutional. The fact that Thurman and Bayard signed the report has weight with many of the Democrats, bu with these gentlemen it was only evidence of weakness. The Democratic organ is Washington, of which Mr. Blair is editor, will oppose the passage of the bill. Ex-tovernor M'Cormick, secretary of the Republican National executive committee, in dorses the bill. He says there is one good feature about the way in which the bill is received by the extreme partisans of both sides. They do not seem to like it, and hence he

afety in it.
Telegraphic dispatches have been rushed here to-night to members of congress approv ing the bill and urging its passage.

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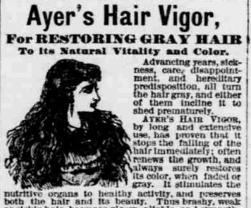


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